

103^D CONGRESS
2^D SESSION

S. 2152

To provide for the transfer of lands contiguous to the Holloman Air Force Base, New Mexico, by the Secretary of the Interior to the Department of the Air Force for the construction of evaporation ponds to support a wastewater treatment facility, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25 (legislative day, MAY 16), 1994

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the transfer of lands contiguous to the Holloman Air Force Base, New Mexico, by the Secretary of the Interior to the Department of the Air Force for the construction of evaporation ponds to support a wastewater treatment facility, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LAND TRANSFER FOR HOLLOMAN AIR FORCE**
4 **BASE.**

5 (a) IN GENERAL.—Subject to subsections (c) through
6 (g), not later than 90 days after the date of enactment
7 of this Act, the Secretary of the Interior shall transfer

1 to the Department of the Air Force, without reimburse-
 2 ment, jurisdiction and control of approximately 1,262
 3 acres of public lands described in subsection (b). Such
 4 public lands are located in Otero County, New Mexico, and
 5 are contiguous to Holloman Air Force Base.

6 (b) DESCRIPTION OF LANDS TRANSFERRED.—The
 7 lands described in this subsection are as follows:

(1) T17S, R8E, Section 21:	S $\frac{1}{2}$ N $\frac{1}{2}$:	160 acres
	E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$:	20 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$:	40 acres
(2) T17S, R8E, Section 22:	W $\frac{1}{2}$:	320 acres
	W $\frac{1}{2}$ E $\frac{1}{2}$:	160 acres
(3) T17S, R8E, Section 27:	All that part north of New Mexico	192 acres
	Highway 70 except for the E $\frac{1}{2}$	more or less
(4) T17S, R8E, Section 28:	E $\frac{1}{2}$:	less
	NE $\frac{1}{4}$:	160 acres
	N $\frac{1}{2}$ SE $\frac{1}{4}$:	80 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$:	40 acres
	W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$:	20 acres
(5) T17S, R8E, Section 33:	NW $\frac{1}{4}$ NE $\frac{1}{4}$:	40 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$:	10 acres
	W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$:	20 acres

8 (c) USE OF TRANSFERRED LAND.—The lands trans-
 9 ferred to the Department of the Air Force under sub-
 10 section (a) shall be used by the Secretary of the Air Force
 11 for the construction of new evaporation ponds to support
 12 a wastewater treatment facility that the Secretary shall
 13 construct at Holloman Air Force Base.

14 (d) CATTLE GRAZING RIGHTS.—

15 (1) IN GENERAL.—The United States recog-
 16 nizes a grazing preference on the lands transferred
 17 to the Department of the Air Force under subsection
 18 (a).

1 (2) ADJUSTMENT OF GRAZING ALLOTMENT.—

2 (A) The Secretary of the Air Force shall take such
3 action as is necessary to ensure that—

4 (i) the boundary of the grazing allotment
5 that contains the lands transferred to the De-
6 partment of the Air Force is adjusted in such
7 manner as to retain the portion of the allotment
8 located south of United States Highway 70 in
9 New Mexico and remove the portion of the
10 lands that is located north of such highway; and

11 (ii) the grazing preference referred to in
12 paragraph (1) is retained by means of transfer-
13 ring the preference for the area removed from
14 the allotment under subparagraph (A) to public
15 lands located south of such highway.

16 (B) The Secretary of the Air Force shall offer
17 to enter into an agreement with each person who
18 holds a permit for grazing on the lands transferred
19 to the Department of the Air Force at the time of
20 the transfer to provide for the continued grazing by
21 livestock on the portion of the lands located south of
22 such highway.

23 (e) ADDITIONAL REQUIREMENTS.—

24 (1) NATIONAL ENVIRONMENTAL POLICY ACT OF
25 1969.—The Secretary of the Air Force shall ensure

1 that the transfer made pursuant to subsection (a)
2 and the use specified in subsection (c) meet any ap-
3 plicable requirements of the National Environmental
4 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

5 (2) ENVIRONMENTAL LAWS.—The Secretary of
6 the Air Force shall use and manage the lands trans-
7 ferred under the authority in subsection (a) in such
8 manner as to ensure compliance with applicable en-
9 vironmental laws (including regulations) of the Fed-
10 eral Government and State of New Mexico, and po-
11 litical subdivisions thereof.

12 (3) RESPONSIBILITY FOR CLEANUP OF HAZARD-
13 OUS SUBSTANCES.—Notwithstanding any other pro-
14 vision of law, the Secretary of the Air Force shall,
15 upon the transfer of the lands under subsection (a),
16 assume any existing or subsequent responsibility and
17 liability for the cleanup of hazardous substances (as
18 defined in section 101(14) of the Comprehensive En-
19 vironmental Response, Compensation, and Liability
20 Act of 1980 (42 U.S.C. 9601(14))) located on or
21 within the lands transferred.

22 (4) MINING.—The transfer of lands under sub-
23 section (a) shall be made in such manner as to en-
24 sure the continuation of valid, existing rights under
25 the mining laws and the mineral leasing and geo-

1 thermal leasing laws of the United States. Subject to
2 the preceding sentence, upon the transfer of the
3 lands, mining and mineral management activities
4 shall be carried out in the lands in a manner consist-
5 ent with the policies of the Department of Defense
6 concerning mineral exploration and extraction on
7 lands under the jurisdiction of the Department.

8 (f) RIGHTS-OF-WAY.—The transfer of lands under
9 subsection (a) shall not affect the following rights-of-way:

10 (1) The right-of-way granted to the Otero
11 County Electric Cooperative, numbered NMNM
12 58293.

13 (2) The right-of-way granted to U.S. West
14 Corporation, numbered NMNM 59261.

15 (3) The right-of-way granted to the High-
16 way Department of the State of New Mexico,
17 numbered LC0 54403.

18 (g) PUBLIC ACCESS.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), the Secretary of the Air Force shall per-
21 mit public access to the lands transferred under sub-
22 section (a).

23 (2) CONSTRUCTION SITE.—The Secretary of the
24 Air Force may not permit public access to the imme-
25 diate area affected by the construction of a

1 wastewater treatment facility in the area with the
2 legal description of T17S, R8E, Section 22, except
3 that the Secretary of the Air Force shall permit pub-
4 lic access on an adjoining unfenced parcel of land—

5 (A) located along the west boundary of
6 such area; and

7 (B) that is 50 feet in width.

8 (3) PUBLIC USES.—Except as provided in para-
9 graph (2), the Secretary of the Air Force shall per-
10 mit, on the lands transferred under subsection (a),
11 public uses that are consistent with the public uses
12 on adjacent lands under the jurisdiction of the Sec-
13 retary of the Interior.

14 (4) PERMIT NOT REQUIRED.—The Secretary of
15 the Air Force may not require a permit for access
16 authorized under this subsection to the lands trans-
17 ferred under subsection (a).

18 (5) ENTRY GATE.—The Secretary of the Air
19 Force shall ensure that the entry gate to the lands
20 transferred under subsection (a) that is located
21 along United States Highway 70 shall be open to
22 the public.

○